

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

FAIRFIELD SENTRY LTD. (IN LIQUIDA-
TION), et al.,

Plaintiffs,

v.

BNP PARIBAS SECURITIES SERVICES
LUXEMBOURG, et al.,

Defendants.

Adv. Pro. No. 10-03627 (CGM)

FIFTH AMENDED SCHEDULING ORDER
ON PERSONAL JURISDICTION BRIEFING AND SUBSEQUENT DISCOVERY

WHEREAS, on September 28, 2021, the Court entered a scheduling order for briefing motions to dismiss for lack of personal jurisdiction (“PJ Motions”);

WHEREAS, on January 14, 2022, the Court amended that scheduling order to facilitate the parties’ continued negotiations over jurisdictional discovery;

WHEREAS, the parties stipulated to the Second Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, so-ordered by the Court on July 27, 2022, at ECF No. 224 (the “Second Amended Scheduling Order”);

WHEREAS, the Second Amended Scheduling Order extended the Liquidators’ deadline to file briefs in opposition to defendants’ PJ Motions to March 31, 2023;

WHEREAS, Altipro Master Fund (sued as Altigefi-Altipro Master a/k/a Olympia Capital Management) (“Altipro”) and Rothschild & Co Asset Management Europe (f/k/a Rothschild &

Cie Gestion), as manager of the Elan Gestion Alternative fund (sued as Rothschild & Cie Banque-EGA) stipulated to the Third Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, entered on March 30, 2023, ECF No. 251 (the “Third Amended Scheduling Order”).

WHEREAS, defendant BNP Paribas Securities Services Luxembourg did not stipulate to the Third Amended Scheduling Order, but subsequently stipulated to a Fourth Amended Scheduling Order on Personal Jurisdiction Briefing and Subsequent Discovery, entered on March 31, 2023, ECF No. 254;

WHEREAS, the Liquidators require additional time to discuss and negotiate with Altipro certain matters concerning Altipro’s corporate form and history;

WHEREAS, pursuant to the Third Amended Scheduling Order, the Liquidators must provide 30-days’ notice to Altipro should the Liquidators choose to file their opposition to Altipro’s PJ Motion prior to May 12, 2023;

WHEREAS, pursuant to the Third Amended Scheduling Order, Altipro must file its reply in further support of its PJ Motion within 90 days of service of an opposition; and

WHEREAS, Altipro does not oppose an extension to the deadline for the Liquidators to file an opposition brief to its PJ Motion from May 12, 2023 to July 11, 2023;

WHEREAS, there is good cause to extend the case schedule accordingly;

IT IS NOW, THEREFORE, HEREBY ORDERED, that:

1. The Liquidators shall file their opposition to Altipro’s PJ Motion by **July 11, 2023**, with 30 days’ notice to Altipro (or consent to a shorter notice period) should Liquidators choose to file their opposition to Altipro’s PJ Motion prior to **July 11, 2023**;
2. Altipro shall file its reply in further support of its PJ Motion within 90 days of

service of an opposition with respect to its PJ Motion, provided that upon agreement between the Liquidators and Altipro, a reply may be filed at a later date not to exceed 90 days after the **July 11, 2023** deadline for the Liquidators' opposition briefs;

3. The Court shall hear argument with respect to Altipro's PJ Motion at the next omnibus conference that is at least 30 days after service of a reply in further support of such PJ Motion; and

4. To the extent not modified herein, the provisions of the September 28, 2021 scheduling order regarding the PJ Motions, the provisions of the October 25, 2021 scheduling order following the parties' Rule 26(f) conference, and all other provisions of the July 27, 2022 Second Amended Scheduling Order, March 30, 2023 Third Amended Scheduling Order, and March 31, 2023 Fourth Amended Scheduling Order remain in full force and effect.

Dated: May 12, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge